

ANALYSIS:

1. This is a request to replace antennas on an existing tower and thereby increase the height from 140 feet to 154 feet. The existing tower was originally approved to be 198 feet tall. The Special Permit was later amended, at the request of Alltel, to reduce the approved height of the tower to 140 feet.
2. If the height of the tower was not increasing, the application could have been handled administratively.
3. The tower was previously approved under Special Permit #1322. The antennas for one additional wireless provider and the associated base equipment was approved administratively.
4. The request meets the standards for evaluation detailed in Chapter 27.68 of the Zoning Ordinance.
5. The existing antennas must be removed to comply with a lawsuit in which Alltel is listed as a defendant (MLMC Limited vs Alltel Corp., Civil Action #99 781 SLR, in the United States District Court in Delaware.)
6. The applicant states that key sites were chosen for antenna replacement to continue to provide analog service in Lincoln.

STAFF RECOMMENDATION:

Approval

CONDITIONS:

Site Specific:

1. This approval permits a 154 foot tall wireless communications facility for a period of 15 years.

General:

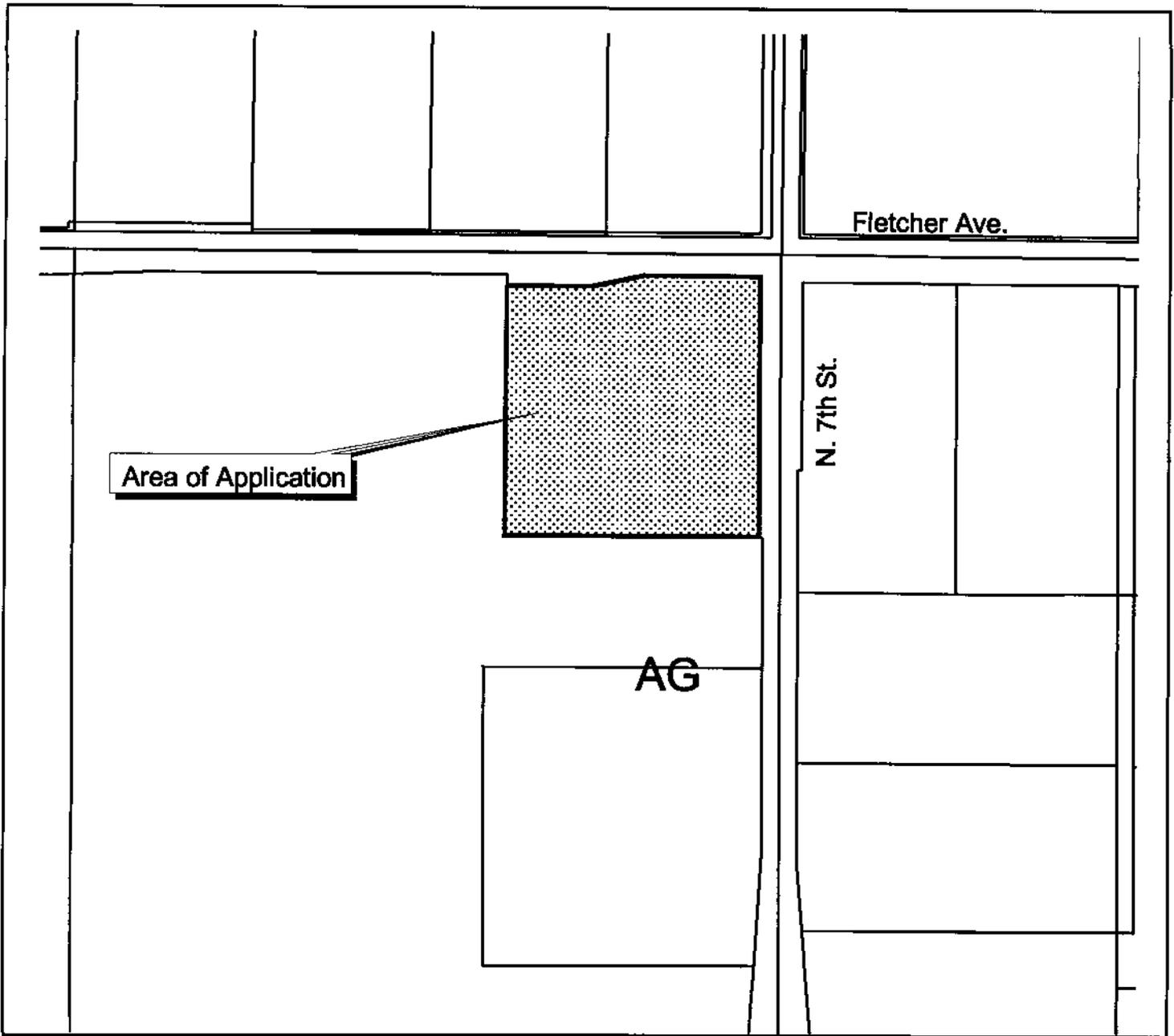
2. Before receiving building permits:
 - 2.1 The permittee shall complete the following instructions and submit the documents and plans to the Planning Department office for review and approval.

- 2.1.1 Revise the site plan to show the location of all previously approved buildings.
 - 2.1.2 Revise the landscape plan to show the location of all previously approved landscaping.
 - 2.1.3 Approval for the increased height shall be received from the FAA.
 - 2.1.4 The structural analysis shall be approved by the Building and Safety Department.
- 2.2 The permittee shall post a surety, approved by the City Attorney, in the minimum amount necessary to guarantee the removal of the facilities. The surety may not be revoked or terminated during the term of the permit.
3. The following conditions are applicable to all requests:
 - 3.1 Before operating this personal wireless facility, all development and construction is to comply with the approved plans.
 - 3.2 The personal wireless service provider shall comply at all times with the current applicable FCC and FAA standards and regulations, and any of those of other agencies of the federal government with authority to regulate towers and antennas.
 - 3.3 The tower shall be inspected and maintained in accordance with the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. At the time of this Special Permit, those standards were contained in the TIA/EIA-222-F. The facility operator shall conduct safety inspections in accordance with the EIA and FCC Standards and within 60 days of the inspection, file a report with the Department of Building and Safety.
 - 3.4 All privately-owned improvements, including landscaping, are to be permanently maintained by the owner.
 - 3.5 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
 - 3.6 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.

- 3.7 The permitted shall, within 10 days of written demand, reimburse the City for all direct and indirect costs and expenses as provided in Section 27.68.090, in connection with the issuance and review of this permit.
 - 3.8 As a part of this approval, the permittee agrees that the permittee, successors and assigns shall, at its sole cost and expense, indemnify and hold harmless the City, its officers, officials, boards, commissions, agents, representatives, and employees against any and all claims, suits, losses, expenses, causes of actions, proceedings, and judgements for damage arising out of, resulting from, or alleged to arise out of or result from the construction, operation, repair, maintenance or removal of the provider's facilities. Indemnified expenses shall include, but not be limited to, all out-of-pocket expenses, such as costs of suit and defense and reasonable attorney fees, and shall also include the reasonable value of any services rendered by the City Attorney's office and any employees of the City and any consultants retained by the City.
 - 3.9 The City Clerk is to file a copy of the resolution approving the permit and the letter of acceptance with the Register of Deeds. The Permittee is to pay the recording fee.
4. The site plan as approved with this resolution voids and supersedes all previously approved site plans and resolutions.

Prepared by:

Jennifer L. Dam, AICP
Planner

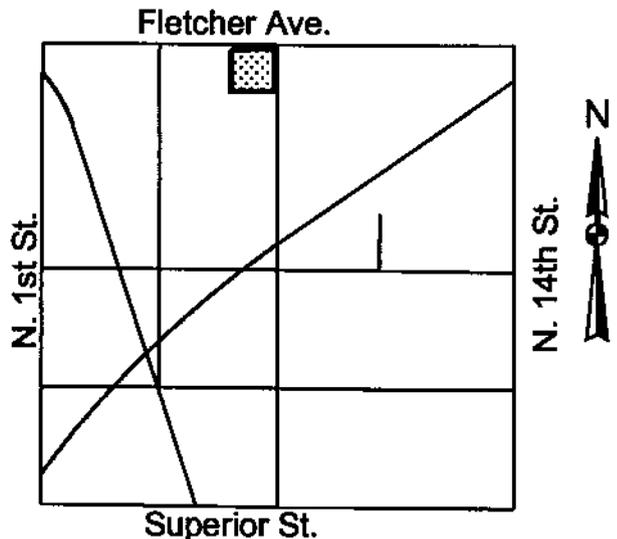
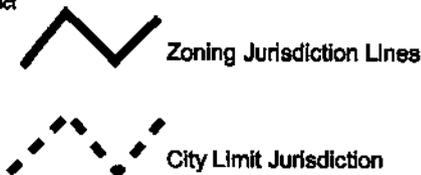


**Special Permit #1322F
N. 7th and Fletcher Ave.**

Zoning:

- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conservation District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial District
- B-4 Lincoln Center Business District
- B-5 Planned Regional Business District
- H-1 Interstate Commercial District
- H-2 Highway Business District
- H-3 Highway Commercial District
- H-4 General Commercial District
- I-1 Industrial District
- I-2 Industrial Park District
- I-3 Employment Center District
- P Public Use District

One Square Mile
Sec. 2 T10N R6E



Sheet 1 of 2
Date:



**Special Permit #1322F
N. 7th and Fletcher Ave.**



Sheet 2 of 2

Date: _____

Photograph Date: 1999

Lincoln City - Lancaster County Planning Dept.

NE 1/4, NW 1/4,
SEC. 2-T10N-R6E

ZONED AG

COORDINATES: 40° 52' 16" N. LAT.
96° 42' 40" W. LON.

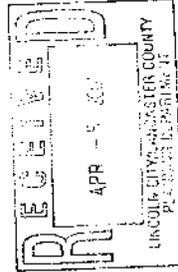
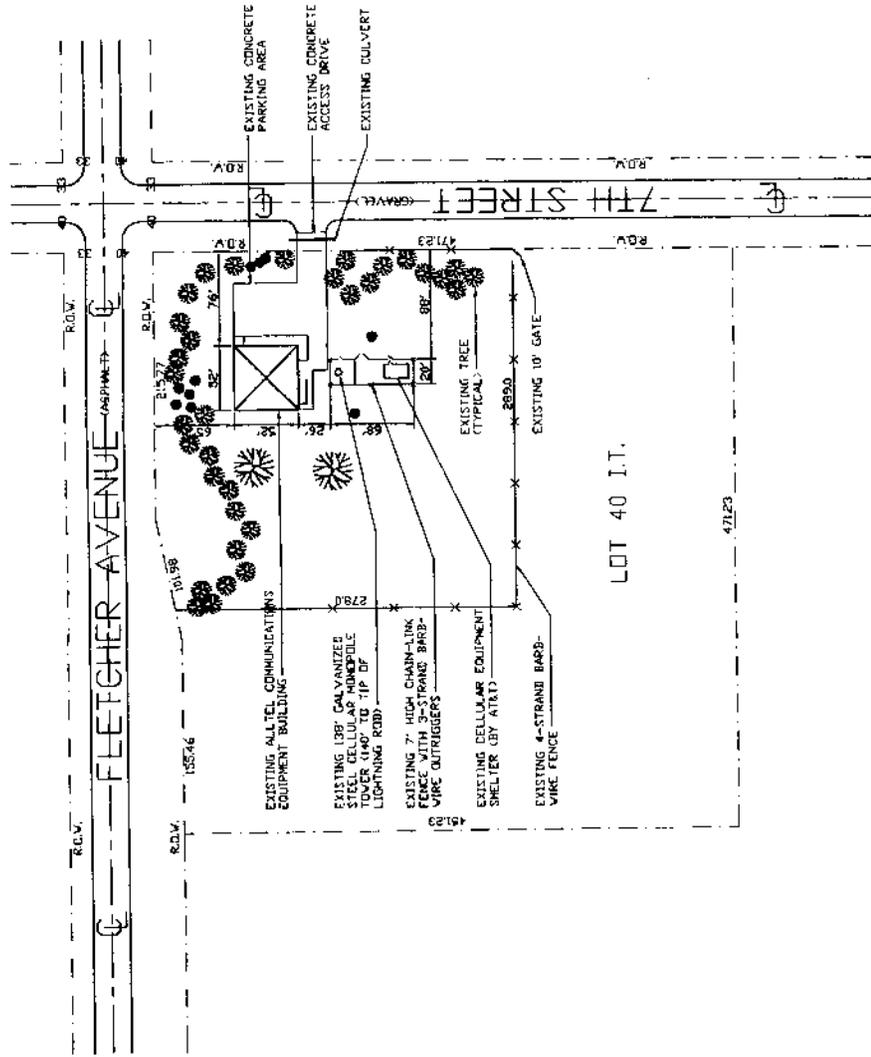
ELEVATION: 1282' A.M.S.L.

MAGNETIC DECLINATION: 5° 4' 00" E.

NOTE:
SEE DRAWING #41-F-225C FOR
PLOT PLAN DIMENSIONS

LEGAL DESCRIPTION: (PROPERTY OWNER: ALLTEL)

LOT 40 OF IRREGULAR TRACTS IN THE NE 1/4 OF
THE NW 1/4 OF SECTION 2, TOWNSHIP 10 NORTH,
RANGE 6 EAST OF THE 6TH P.M., CITY OF LINCOLN,
LANCASTER COUNTY, NEBRASKA.



REVISIONS		500 So. 16th Street Lincoln, Nebraska 68508 P. O. Box 81309 Lincoln, Nebraska 68601-1309
ISSUE 1		
CELLULAR TOWER SITE SITE PLAN 5939 N. 7TH ST. LINCOLN, NEBRASKA		
ASSOCIATED LAYERS	FILE	CAAD FILE
		CA1F390
DRAWN	S. A. HORSKY	
CHECKED	D. E. RADEBAUGH	
DATE	3-3-01	
SCALE	1"=100'-0"	
TITLE	1	
DRAWING NO.	41-F-590C	

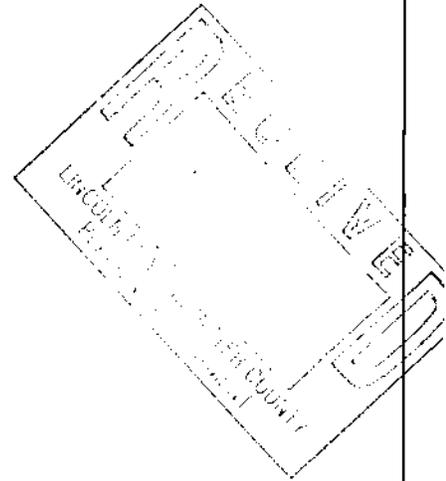
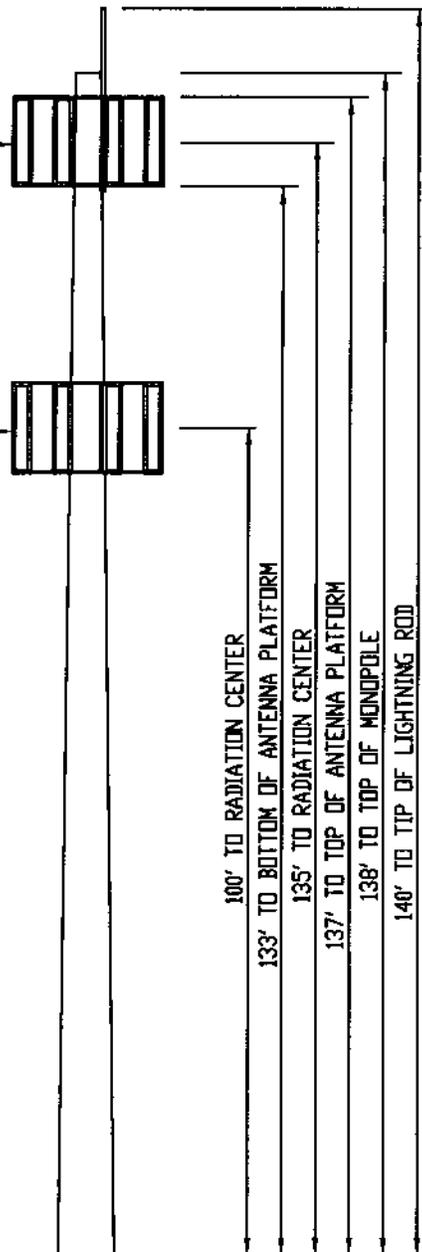
EXISTING (12) 4'-DECIBEL
MOD. DB874H105 ANTENNAS
(BY ALLTEL)

EXISTING (12) CELLULAR
PANEL ANTENNAS
(BY AT&T)

NOT TO SCALE

TOWER COORDINATES
40° 52' 16" N. LAT.
96° 42' 39" W. LDN.

GROUND LEVEL 1282' A.M.S.L.



EXISTING TOWER PROFILE
5939 N. 7TH ST., LINCOLN, NEBRASKA

TOWER PROFILE
5939 N. 7TH ST.
LINCOLN, NEBRASKA
2-22-01 KD-SH
T.E. SK. #14973C

PROPOSED (3) 14.5' (26'
FOR MOUNTING) DECIBEL
PRODUCTS MOD. DB810K-
XC ANTENNAS

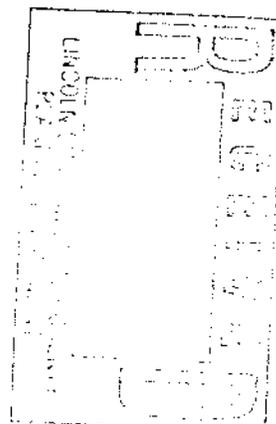
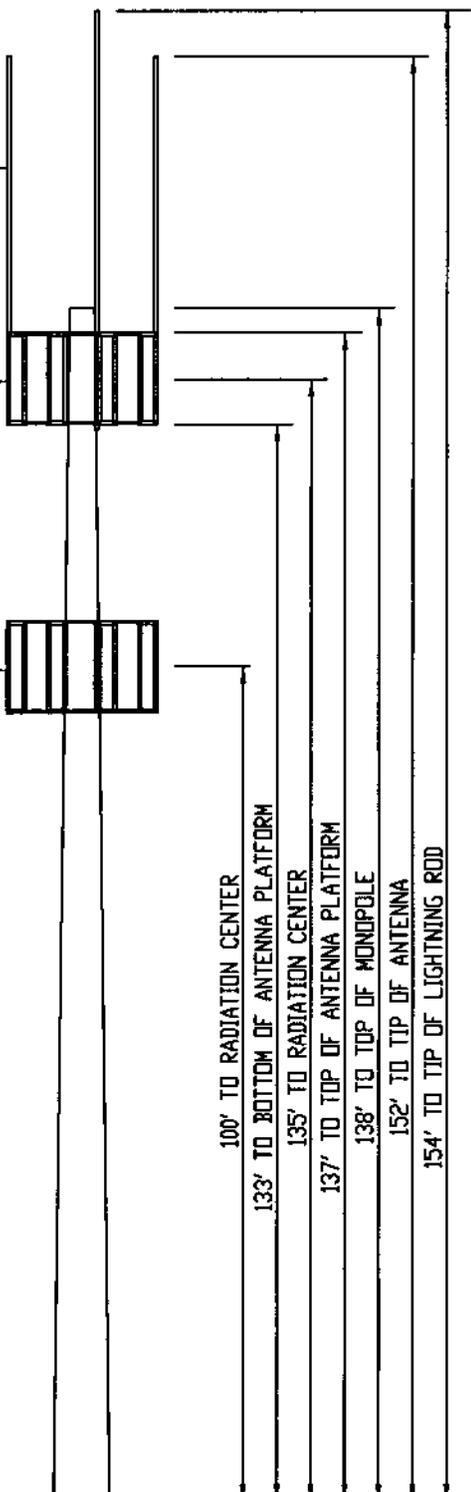
EXISTING (12) 4'-DECIBEL
MOD. DB874H105 ANTENNAS
(BY ALLTEL)

EXISTING (12) CELLULAR
PANEL ANTENNAS
(BY AT&T)

NOT TO SCALE

TOWER COORDINATES
40° 52' 16" N. LAT.
96° 42' 39" W. LON.

GROUND LEVEL 1282' A.M.S.L.



TOWER PROFILE WITH PROPOSED ANTENNAS
5939 N. 7TH ST., LINCOLN, NEBRASKA

TOWER PROFILE
5939 N. 7TH ST.
LINCOLN, NEBRASKA
2-22-01 KD-SH
T.E. SK. #14973C

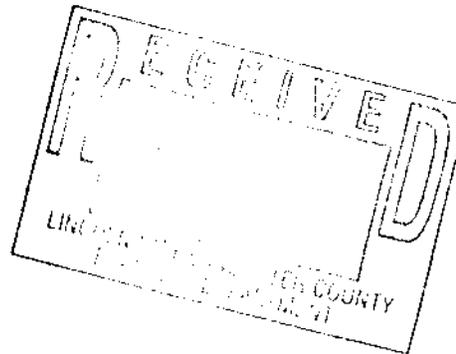
ALLTEL

1440 M Street
PO BOX 81308
Lincoln, NE 68501-1308

ALLTEL

April 5, 2001

Jennifer Dam
Planner II
555 South 10th Street, Suite 213
Lincoln, Nebraska 68508

**RE: ALLTEL's Request to Add Antennas**

Dear Ms. Dam:

A legal matter is forcing ALLTEL to make modifications to some of its wireless towers in Lincoln, resulting in the applications currently under consideration in the Planning Department. These applications represent our effort to comply with the lawsuit while minimizing the number of modifications that must be made to our existing wireless tower locations in Lincoln. As mentioned in our meeting with you last month, because of a law suit,* ALLTEL is being forced to return to the manufacturer equipment that currently supports both the Analog and Digital systems at our wireless sites. The replacement equipment forces us to separate the Analog and Digital systems. Due to the large amount of customers that are still on the Analog system, ALLTEL is committed to provide Analog service to these customers. We are also sensitive to the City's desire to minimize the appearance of antennas on wireless towers.

To maintain the existing quality of Analog service in Lincoln, key sites were chosen. The performance of the Analog system depends on both the height and placement of the antennas. In an effort to limit the number of sites, the requested antennas will have an omni (360-degree) pattern, and will need to be mounted above the top of the tower. If these antennas are mounted below the tower tip, the pattern of the antenna and coverage in that particular area will be degraded, thus requiring additional sites to maintain the existing quality of service.

The omni antennas are 14.5 ft. in height, but are very thin (three inches in diameter) as compared to a panel antenna which measure 12"-inches across. Currently these omni antennas are painted horizon blue to help limit their visibility.

If you have any further questions, concerns or comments please contact Terri Dolezal at (402) 436-4278.

Sincerely,

Mike Andrews
Director Network Operations

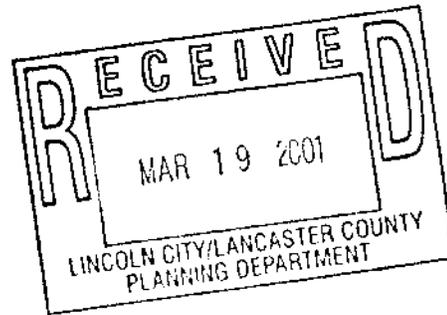
* MLCM Limited (plaintiff) vs. ALLTEL Corp. (defendant), Civil Action #99 781 SLR, in the US District Court, Delaware

Memorandum

To: Jennifer Dam, Planning
From: Rachel Martin, Parks and Recreation
Date: March 19, 2001
Re: 7th & Fletcher Cell Tower

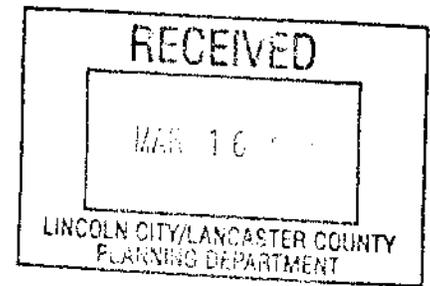
Parks and Recreation Department staff have reviewed the above-referenced proposal and have no comments.

Please phone me at 441-7936 with any questions.





NEBRASKA STATE HISTORICAL SOCIETY
1500 R STREET, P.O. BOX 82554, LINCOLN, NE 68501-2554
(402) 471-3270 Fax: (402) 471-3100 1-800-833-6747 www.nebraskahistory.org



March 13, 2001

Jennifer Dam
Project Planner
Planning Department
555 South 10th Street, #213
Lincoln, NE 68508

RE: 5939 N 7th, SP 1907 (HP #0011-036-01)
22401 NW 84th, AP 01006 (HP #0011-037-01)
400 S 84th, SP 1906 (HP #0102-029-01)
9301 N 162nd, AP 01009 (HP #0102-088-01)
5707 S 27th, AP 01005 (HP #0103-010-01)
1440 M, AP 01007 (HP #0103-035-01)
1124 N 46th, AP 01008 (HP #0103-036-01)

Dear Ms. Dam:

We have reviewed the proposed projects and have no objections to the plans as they are presented at this time. If there are any changes, please notify our office. Thank you for your cooperation.

Sincerely,

L. Robert Puschendorf
Deputy State Historic Preservation Officer

NOB

Lancaster

DON R. THOMAS - COUNTY ENGINEER

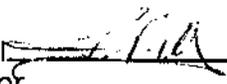
County

Engineering

DEPUTY - LARRY V. WORRELL
COUNTY SURVEYOR

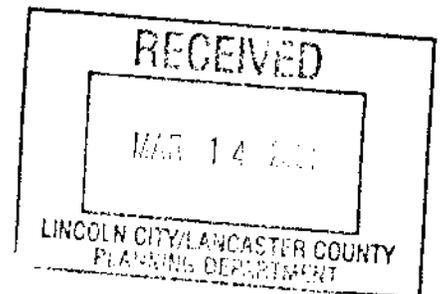
Department



DATE: March 12, 2001
TO: Jennifer Dam
Planning Department
FROM: Larry V. Worrell 
County Surveyor
SUBJECT: SPECIAL PERMIT #1907 1322F
7TH AND FLETCHER - CELL TOWER

Upon review, this office has no direct objections to this submittal.

LVW/cm



Memorandum



To: Jennifer Dam, Planning Department
From: Gary Lacy, Public Works and Utilities *GLL*
Subject: Special Permit #^{1322F}~~1907~~, Alltel, 7th & Fletcher
Date: March 12th, 2001
cc: Roger Figard, Nicole Fleck-Tooze

The City Engineer's Office of the Department of Public Works and Utilities has reviewed the Special Permit #1907. Public Works has no objections to this request.

jaj SP1907Alltel gll

